

Article - Transportation

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§16–205.

(a) (1) The Administration may revoke the license of any person who:

(i) Is convicted under § 21–902(a) or (d) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by a controlled dangerous substance; or

(ii) Within a 3–year period, is convicted under § 21–902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely and who was previously convicted of any combination of two or more violations under:

1. § 21–902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

2. § 21–902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;

3. § 21–902(c) of this article of driving or attempting to drive a motor vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely; or

4. § 21–902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance.

(2) In the notice of proposed revocation, the Administration shall advise an individual who is convicted under § 21–902(a) of this article that the individual, if eligible, is required to participate in the Ignition Interlock System Program for the following periods:

(i) 6 months the first time the individual is required to participate in the Ignition Interlock System Program;

(ii) 1 year the second time the individual is required to participate in the Ignition Interlock System Program; and

(iii) 3 years the third or any subsequent time the individual is required to participate in the Ignition Interlock System Program.

(b) The Administration:

(1) Shall revoke the license of any person who has been convicted, under Title 2, Subtitle 5 of the Criminal Law Article, of homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol, or impaired by any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance; and

(2) May not issue a temporary license to drive for any person whose license has been revoked under item (1) of this subsection during an administrative appeal of the revocation.

(c) (1) Subject to subsection (d–1) of this section and § 16–404.1 of this title, the Administration may suspend for not more than 60 days the license of any person who is convicted under § 21–902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely.

(2) A suspension under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection.

(d) (1) Subject to subsection (d–1) and subsection (e) of this section and § 16–404.1 of this title, the Administration may suspend for not more than 1 year the license of any person who, within a 5–year period, is convicted of any violation of § 21–902 of this article after the person was previously convicted of any violation under § 21–902 of this article.

(2) If requested by the person, the Administration may issue a restricted license for the period of a suspension to a person who participates in the Ignition Interlock System Program under § 16–404.1 of this title.

(3) A suspension under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for the violation of § 21–902 of this article described in this subsection.

(d-1) (1) Notwithstanding subsections (c) and (d) of this section and subject to § 16-404.1 of this title, for a person who is under the age of 21 years on the date of a violation of § 21-902 of this article, and who is subsequently convicted of the violation under § 21-902 of this article, the Administration shall suspend the person's license to drive for:

- (i) 1 year for a first conviction of § 21-902 of this article; and
- (ii) 2 years for a second or subsequent conviction of § 21-902 of this article.

(2) A suspension imposed under this subsection shall:

(i) Be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21-902 of this article described in this subsection; and

(ii) Receive credit for any suspension period imposed under § 16-113(f) of this title or § 16-205.1 of this subtitle that arises out of the circumstances of the conviction for a violation of § 21-902 of this article described in this subsection.

(3) (i) Subject to the provisions of this paragraph, a person may request on the record that a hearing on a suspension under this subsection and any other hearing on another suspension or revocation under this section, § 16-206(c)(3) or § 16-213 of this subtitle, or § 16-404 of this title that arises out of the circumstances of the conviction for a violation of § 21-902 of this article described in this subsection be consolidated.

(ii) A person who requests consolidation of hearings under this paragraph shall waive on the record each applicable notice of right to request a hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of the State Government Article that applies to the other suspensions or revocations arising out of the same circumstances.

(iii) A hearing under this paragraph may not be postponed at the request of the person who requests consolidation of hearings under subparagraph (i) of this paragraph due to a consolidation of the hearings.

(iv) Subject to the provisions of this paragraph, the Administration shall consolidate the hearings described in this paragraph unless the administrative law judge finds in writing that good cause exists not to consolidate the hearings.

(e) (1) In this subsection, “motor vehicle” does not include a commercial motor vehicle.

(2) Subject to the provisions of this subsection and § 16–404.1 of this title, the Administration shall suspend for 1 year the license of a person who is convicted of:

(i) A violation of § 21–902(a) of this article more than once within a 5–year period;

(ii) A violation of § 21–902(a) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(d) of this article; or

(iii) A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article.

(3) On receiving a record of a conviction of a person for a violation described in paragraph (2) of this subsection, the Administration shall issue to the person a notice of suspension of the person’s license that:

(i) States that the person’s license shall be suspended for 1 year subject to § 16–404.1 of this title;

(ii) States that a restricted license may be issued during the 1–year period of suspension if:

1. The person maintains an ignition interlock system on a motor vehicle owned or operated by the person for 1 year or a longer period if required under § 16–404.1 of this title; and

2. The license is restricted to prohibit the person from driving a motor vehicle that is not equipped with an ignition interlock system;

(iii) Advises the person of the requirements under paragraph (7) of this subsection for a person who does not participate in the Ignition Interlock System Program in accordance with this paragraph during the 1–year period of suspension;

(iv) Advises the person of the right to request a hearing on a suspension under this paragraph;

(v) Advises the person of the right, instead of requesting a hearing on a suspension under this paragraph, to be subject to a 1-year period of suspension, during which the person may be issued a restricted license under this paragraph if the following conditions are met:

1. The person's driver's license is not currently suspended, revoked, canceled, or refused;

2. The person surrenders a valid Maryland driver's license or signs a statement certifying that the driver's license is no longer in the person's possession; and

3. The person elects in writing, within the same time limit for requesting a hearing, to meet the ignition interlock system requirements under this paragraph for 1 year; and

(vi) Provides information about the Ignition Interlock System Program and how a person participates in the Program under § 16-404.1 of this title.

(4) After notice under paragraph (3) of this subsection, the Administration shall suspend a person's license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of:

1. A violation of § 21-902(a) of this article more than once within a 5-year period;

2. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

3. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article; or

(iii) The person fails to appear for a hearing requested by the person.

(5) The Administration may modify a suspension under paragraph (4) of this subsection to:

(i) Order the person to maintain for 1 year or a longer period if required under § 16–404.1 of this title an ignition interlock system on a motor vehicle owned or operated by the person; and

(ii) Impose a restriction on the person’s license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system.

(6) A person who participates in the Ignition Interlock System Program for at least 1 year under paragraph (5) of this subsection is exempt from the requirements of paragraphs (7) through (11) of this subsection.

(7) The Administration shall, within 90 days of the expiration of the 1–year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 6 months and not less than the period required under § 16–404.1 of this title, dating from the expiration of the 1–year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person’s license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 6 months and not less than the period required under § 16–404.1 of this title, dating from the expiration of the 1–year period of suspension; and

(iii) Advises the person of the right to request a hearing under this paragraph.

(8) After notice under paragraph (7) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 6 months and not less than the period required under § 16–404.1 of this title, dating from the expiration of the 1–year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in

paragraphs (9) and (10) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

(9) If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co-owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 6 months and not less than the period required under § 16–404.1 of this title, dating from the expiration of the 1–year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) May not require the person to maintain an ignition interlock system on any motor vehicle to which the financial hardship applies.

(10) An exemption under paragraph (9)(ii) of this subsection applies only under circumstances that:

(i) Are specific to the person’s motor vehicle; and

(ii) Meet criteria contained in regulations that shall be adopted by the Administration.

(11) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1–year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 6 months and not less than the period required under § 16–404.1 of this title, dating from the expiration of the 1–year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

(12) Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

(13) This subsection does not limit any provision of this article that allows or requires the Administration to:

(i) Revoke or suspend a license of a person; or

(ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition interlock system.

(14) A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21–902(a) or (d) of this article described in this subsection.

(15) Notwithstanding any other provision of this subsection, a person who is subject to suspension under paragraph (2) of this subsection may not operate a motor vehicle owned or provided by the person’s employer that is not equipped with an ignition interlock device, as set forth in § 27–107(g) of this article.

(f) (1) Subject to paragraph (2) of this subsection, the Administration may modify any suspension under this section or any suspension under § 16–205.1 of this subtitle and issue a restricted license to a licensee who participates in the Ignition Interlock System Program established under § 16–404.1 of this title.

(2) The Administration may not modify a suspension and issue a restricted license during a mandatory period of suspension described in subsection (e) of this section.

(g) When a suspension imposed under subsection (c), (d), (d–1), or (e) of this section or § 16–206(b) of this subtitle expires, the Administration immediately shall return the license or reinstate the privilege of the driver, unless the license or privilege has been refused, revoked, suspended, or canceled under any other provisions of the Maryland Vehicle Law.

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